



**Winston Hickox**  
Secretary for  
Environmental  
Protection



**Gray Davis**  
Governor

MINUTES OF  
REGULAR MEETING  
Friday, February 1, 2002  
**REGIONAL WATER QUALITY CONTROL BOARD**

**Friday, February 1, 2002, 8:30 a.m.**

Chairman Gary Shallcross called the meeting of the Central Coast Regional Water Quality Control Board to order at 8:32 a.m. on February 1, 2002, in the Conference Room of the Central Coast Regional Board Office, 81 Higuera Street, Suite 200, San Luis Obispo, California.

**1. Roll Call** ..... Executive Office Technician Carol Hewitt

**Board Members Present:**

Chairman Gary Shallcross  
Vice Chair Leslie Bowker  
Vice Chair Bruce Daniels  
John Hayashi  
Russell Jeffries  
Daniel Press  
Marco Rizzo  
Donald Villeneuve  
Jeffrey Young

**2. Introductions** ..... Chair Shallcross and Executive Officer Roger Briggs

Chair Gary Shallcross introduced one of the new Board Members, Daniel Press. Dr. Press said he is a professor of environmental studies at UC Santa Cruz where he has taught for the last ten years. Executive Officer Roger Briggs introduced staff members, Jennifer Soloway, Counsel, Christine St. Clair, and Carol Hewitt. Senior staff member, John Robertson introduced new staff member Peter von Langen. Mr. Robertson provided a brief summary of the Southern

Watershed Unit. Executive Officer Briggs asked all interested parties who wished to comment to fill out testimony cards and submit them. Mr. Briggs noted extra materials (supplemental sheets and questions and answers for the Board). Item #13/Desert Petroleum Administrative Civil Liability, has been settled.

**2a. Regional Board Chair and Vice Chair Election** ..... Board Motion

Chair Shallcross opened nominations for Board Chair. Bruce Daniels nominated Gary Shallcross for Chair.

**MOTION: John Hayashi moved to close the nominations and vote. SECONDED by Russell Jeffries. CARRIED – Unanimously (9-0)**

Chair Shallcross opened nominations for Board Vice Chair. Russell Jeffries nominated Bruce Daniels. John Hayashi nominated Leslie Bowker as Co-Vice Chair.

**MOTION:** Russell Jeffries and John Hayashi moved to have Bruce Daniels and Leslie Bowker as Co-Vice Chairs. **SECONDED** by Daniel Press. **CARRIED – Unanimously (9-0)**

**3. Approval of Minutes for December 7, 2001 Meeting** ..... Board Motion

**MOTION:** Russell Jeffries moved to approve the minutes for the December 7, 2001 meeting. **SECONDED** by Bruce Daniels. **CARRIED – Unanimously (9-0)**

**4. Public Forum**..... Chair Shallcross

- Kathy Kefauver, Santa Barbara County, updated the Board on the Tajiguas Landfill expansion. A DNA study has recently been completed in the adjacent watershed. The findings were released in December 2001. The County also split samples with a few environmental groups in Santa Barbara County. The DNA findings and the split samples data have been shared with the Regional Board staff. The County has taken public comment on the EIR and is in the process of responding to those comments at this time. The EIR is to be final by April 2002. The County plans to present status of various water quality issues at the Regional Board meeting in April.
- Eric Greening, SLO County Water Resources Advisory Committee, asked if the Board was apprised of the SLO County Board of Supervisor's meeting agenda item related to the California Accidental Release Prevention Program. The County's Environmental Health Department with the assistance of the Agriculture Department is overseeing a state mandated program which has identified 25 sites in this county with significant amounts of toxic materials either used or stored on the sites. A Contractor will help them oversee each of the 25 sites and prepare plans for the prevention of accidental releases of toxic materials.
- Hillary Houser/Heal the Ocean, shared a study on the Tajiguas Landfill. The group is concerned about the State rule of separating groundwater from trash by at least five feet.
- Drew Bohan, Santa Barbara Channelkeeper, requested that the Board include the greenhouse issue on the agenda for the April Regional Board meeting in Santa Barbara. Mr. Bohan discussed the Carpinteria Salt Marsh and the problems associated with it. Mr. Bohan is concerned about the limited response from the local greenhouses to the Regional Board letters. He urged the Board to consider directing staff to follow-up on the greenhouse letters for better response. Mr. Briggs acknowledged Mr. Bohan's concerns and noted that a complete update is already scheduled for the April Board meeting.
- Brian Trautwein, Environmental Defense Center, raised concerns about groundwater and surface water pollution at the Tajiguas Landfill site.
- Gwynn Taylor, Los Osos resident, requested the Board to be objective and ethical when considering issues.

**10. MTBE Site - Chevron/Cambria [Sheila Soderberg 805/549-3592]** ..... Status Report

Associate Engineering Geologist, Ms. Sheila Soderberg, described Chevron Products Company (Chevron) progress on the cleanup and investigation of the MTBE plume in groundwater at the Chevron service station located at 2194 Main Street, Cambria. Groundwater samples collected from the onsite and offsite monitoring wells in December 2001 show a decrease of MTBE and benzene in groundwater. Over 230 gallons of gasoline, which included approximately 30 gallons of MTBE, have been removed from the

subsurface since the high vac and groundwater extraction systems began operation in November 2000. In response to Board comments, staff will describe in more detail surface water sampling procedures, stream cross-sections, and water-level information in nearby groundwater monitoring in the March 2002 MTBE status report.

**5. Low Threat Cases** ..... Information/Discussion

*(Board Member Villeneuve recused from this item)*

Associate Engineering Geologist, Sheila Soderberg, gave an overview of Chevron Products Company's (Chevron) request for enrollment under this Board's WDR Order No. 01-134, NPDES No. CAG993002 (General Permit) for a Discharge of Highly Treated Groundwater. Chevron is proposing to treat extracted contaminated groundwater with an activated carbon canister system. The water would be treated to drinking water standards prior to discharging to Santa Rosa Creek.

Presently, Chevron hauls the extracted water to Chevron's oilfield operations in Kern County. As part of their application, Chevron evaluated continued trucking to Kern County, discharging treated water to Cambria Community Service District's (CCSD) sanitary sewer, reusing treated water for irrigation and injecting to groundwater.

Staff proposes a Monitoring and Reporting Program, which includes a two month treatment system verification period with increased sampling frequency of the treatment system and continued trucking of the highly treated groundwater. Chevron would submit data during this verification period to Regional Board staff and upon the Executive Officer's concurrence, the discharge to Santa Rosa Creek could commence.

Staff described public comments received prior and during the meeting which requested that the Regional Board not permit the discharge.

Ms. Suzy Ficker, Cambria Legal Defense Fund President, objected to the discharge of contaminated groundwater into Santa Rosa Creek.

Mr. Rick Hawley, Greenspace/The Cambria Land Trust Executive Director, requested the Regional Board set the discharge prohibitions under the General Permit at non-detectable concentrations because Chevron indicated that their treatment system can remove contaminants to non-detectable concentrations. In addition, Mr. Hawley asked for random sampling of the discharge.

Mr. Mark Sigler, Project Manager for Chevron, indicated that the General Permit is protective of

human health and the environment. Mr. Sigler stated that Chevron has contained the MTBE plume, reduced the concentrations of contaminants in groundwater, and unlike other dischargers, has the resources available to truck the water. Chevron supports the Regional Board staff recommendation to enroll Chevron under the General Permit.

Ms. Helen May, President of the Cambria Community Services District (CCSD) Board of Directors, expressed concern that Chevron will discharge MTBE contaminated water into Santa Rosa Creek. With low creek flow rates due to increased water usage by growers upstream, MTBE will not be diluted and will impact the CCSD's municipal wells.

Mr. Vern Hamilton, Interim General Manager of the CCSD, requested that the Regional Board protect Santa Rosa Creek and not allow Chevron to discharge. Mr. Hamilton requested the Board force a solution that is not on the table.

Mr. James Stotter III, attorney for The Cambria Legal Defense Fund, requested that the Regional Board respect the CCSD's vote and that the extracted groundwater should be put in the Pacific Ocean or someplace else, but closer than Kern County.

Mr. Eric Greening, resident of San Luis Obispo, asked the Regional Board to require Chevron to prepare an Environmental Impact Report and asked whether Chevron has obtained a Dept. of Fish & Game "take permit."

Ms. Jennifer Soloway, Regional Board's Legal Counsel, stated the General Permit is exempt from CEQA. In addition, Ms. Soloway indicated that if the Regional Board disallows Chevron's enrollment under the General Permit, the Board needs to develop technical findings that support their position.

*(Chair Shallcross announced a break at 11:00 a.m. The meeting reconvened at 11:10 a.m.)*

Following Regional Board discussion, the Board had no objection to enrolling Chevron under the General Permit and issuing MRP No. R3-2002-0022. Also, data from Chevron's verification period should be presented at a future Regional Board meeting.

**6. Uncontested Items** ..... Board Motion

Item #15/John Smith Road Landfill and Item #16/Lopez Recreation Area were listed as uncontested items. Board Member Press asked about the protective thickness of the landfill liner at the John Smith Road Landfill. Staff member David Athey responded to the question explaining that the most protective liner is two feet of clay and 80 mil thick liner. He explained that any more thickness of the liner would pose

construction difficulties (with seam welds). Board Member Daniels asked about the sampling cycle for Item #16/Lopez Recreation Area. Staff member Scott Phillips responded that he researched the system and has not found large variations. The Board directed staff to change the monitoring program to address effluent peak flows during the summer time.

**MOTION: Russell Jeffries moved to adopt the consent calendar with changes discussed for Item 16/Lopez Recreation Area monitoring of effluent during peak flows. SECONDED by Bruce Daniels. CARRIED – Unanimously (9-0)**

**7. Clean Water Act – Section 303(d) List Update [Lisa McCann 805/549-3132]** ..... Recommendation

Regional Board TMDL Program Manager, Senior Environmental Scientist, Lisa Horowitz McCann presented information regarding final recommendations for changes to the 2002 303(d) List of Impaired Waters. Staff re-evaluated data and information for three items so that the Regional Board could approve a final recommendation to the State Water Resources Control Board for changes to the List. The first item was consideration of data and information for listing tributaries to the San Lorenzo River for impairment due to sediment. Ms. McCann identified ten tributaries for listing and explained the basis for listing these tributaries as impaired by sediment. The second item was consideration of virus data for listing Carpinteria Beach (or other Santa Barbara south coast waterbodies) for impairment. Staff recommended against listing based on this data and explained the rationale for this recommendation. The last item was proposed changes to the TMDL priorities and schedules for all the listed waterbodies. Ms. McCann generally described the basis for these changes and indicated that the recommendations for priorities and schedules were contained in the attachments to the staff report.

Board members asked questions about 1) listing by whole watersheds versus individual waterbodies, 2) whether the virus data indicated problems for some waterbodies besides Carpinteria Beach, 3) if 50% or greater is the weight-of-evidence applied to listings, and 4) why we list waterbodies with total and fecal coliform which are indicators but recommend against listing for virus as an indicator.

Ms. McCann responded to these questions by indicating 1) there are pros and cons to listing whole watersheds, 2) that staff applied the same reasoning for not listing Carpinteria Beach to the other waterbodies with potential problems, 3) that 50% or greater is the weight-of-evidence applied by Region 3 staff to develop listing recommendations, and 4) that while both coliform and virus are indicators, we have legal standards with which to make comparisons in order to define a problem with coliform data, but do not have virus standards.

**MOTION: Bruce Daniels moved to adopt the staff recommendation. SECONDED by Russell Jeffries. CARRIED – Unanimously (9-0)**

*(Chair Shallcross announced a lunch break at 12:20 p.m. The meeting reconvened at 1:30 p.m.)*

**8. Watershed Management Initiative Chapter Update for 2002** [Alison Jones 805/542-4646] .....Information

Alison Jones, staff Environmental Scientist, presented a brief overview of Region 3's Watershed Management Initiative (WMI) Chapter for 2002. The WMI Chapter describes Region 3's approach to watershed management and outlines priority activities in priority watersheds for the next one to five years. The Chapter acts as a planning tool for Regional Board program managers and is used by Regional Board, State Board and USEPA to guide program workplan development and allocate additional resources that may become available. Each year the Chapter is revised to reflect new information, changes in state or regional priorities, changes in resources, activities completed, and goals accomplished. Each Regional Board produces a WMI Chapter.

Ms. Jones mentioned that priorities for the upcoming fiscal year include development of Total Maximum Daily Loads, increased focus on urban runoff and

beach closure issues, expansion of nonpoint source pollution control efforts throughout the region, increased effort to streamline permitting activities, and development of a riparian corridor protection policy.

Board members briefly discussed the importance of work with local land use agencies, requested that Santa Barbara County coastal issues be given high priority, and indicated support for a riparian corridor protection policy. In response to some of the discussion, Ms. Jones mentioned that urban issues such as storm water runoff and development in floodplains were going to be addressed through a small cities workshop being developed by staff, and through upcoming Phase II, NPDES Storm Water Program requirements. She also indicated that the riparian corridor protection policy would be applied throughout the region once approved by the Board.

**9. Elkhorn Slough Public Outreach Project** [Lida Tan 805/542-4785] .....Resolution No. 2002-0020

Lida Tan, staff Engineer, summarized the Elkhorn Slough Watershed Project efforts indicating that funding provided to Monterey County RCD through the Cleanup and Abatement Account will be expended by June 2002. Approximately, \$337,000 has been provided since 1996. Ms. Tan described the successful project efforts to educate farmers and reduce sediment and nutrient pollution into the sensitive Elkhorn Slough estuarine watershed. As a result of project success, Ms. Tan indicated staff's support for continued funding and recommended adoption of Resolution No. RB3-0002-0020, seeking \$468,000 in Cleanup and Abatement Account funds during the next three years.

Board Members asked about the project's sedimentation reduction efforts and measurable watershed benefits. Monterey County RCD staff, Emily Hanson and Melanie Bojanowski, described the benefits and clarified some of the RCD's funding needs. Board Members acknowledged the project value and success, and complimented Monterey County RCD for its good work in the watershed over the years. Ms. Tan informed the Board of the RCD's original proposal and how staff determined the proposed funding level.

**MOTION: Russell Jeffries moved to approve Resolution No. RB3-2002-0020. SECONDED by Leslie Bowker. CARRIED – Unanimously (9-0)**

*(Item 10 continued)*

**10. MTBE Sites** [Jay Cano 805/549-3699] .....Status Report

Associate Engineering Geologist, Dr. Wei Liu provided the Board with a status report of the Camp Evers combined cleanup sites. Staff reported the current status of the investigation and remediation, and progress of the ongoing downgradient plume delineation and remediation. Staff also answered the

Board's questions raised during the last Board meeting regarding downgradient plume delineation.

Water Resource Control Engineer, Matthew Keeling, gave a site update presentation for the Brother's Hecker Pass Market underground tank release site

located in Santa Cruz County at 3 Hecker Pass Road, Watsonville. The presentation outlined the ongoing investigation and cleanup of the shallow MTBE groundwater contamination, and three domestic drinking water wells in the vicinity of the site. The Board commented on the potential for MTBE impacted shallow groundwater entering the unnamed drainage channel, and the necessity to destroy and replace the Oliver Well if it is determined that shallow impacted groundwater is entering the deeper water bearing zone through the well.

Mr. Jay Cano introduced Ms. Kate Sulka and Mr. Tom Rejzek, with the Santa Barbara County Fire Department, Protection Services Division. They provided an overview of several cleanup sites in Santa Barbara County and answered several questions from the Board. The Board requested County staff follow-up with more information at the April 19, 2002 meeting to be held in Santa Barbara.

**12. RMC Pacific Materials Inc., Santa Cruz County [Kimberly Gonzalez 805/549-549-3150] ... Order No. 2002-0009**

Regional Board staff gave a brief presentation regarding the status of settlement talks with RMC Pacific Materials for May 26, 2001 NPDES permit violations. On January 18, 2002, Regional Board staff Kimberly Gonzalez and Chris Adair met with RMC Pacific Materials, Olympia Sand Plant (RMC) officials, California Department of Fish and Game staff, and Santa Cruz County Assistant District Attorney to negotiate a settlement of the December 28,

2001 complaint issued to RMC. At the meeting, RMC officials agreed to commit \$100,000 for environmental projects plus staff costs in settlement for their May 26, 2001 spill. The settlement agreement and supplemental environmental project review/approval process will be presented to the Board for formal approval at the March 22, 2002 meeting in Salinas.

**13. Desert Petroleum, Inc., San Luis Obispo County [Sheila Soderberg 805/549-3592] ..... Order No. 2002-0018**

Executive Officer Briggs announced that there will be no hearing due to settlement of the minor civil liability complaint.

**18. Identifying Sources of Bacterial Contamination in Morro Bay Estuary..... Status Report [Shanta Duffield 805/549-3464]**

*(Board Member Hayashi left the meeting)*

Shanta Duffield, staff Water Resources Control Engineer, presented an update on the draft report, "Identifying the Sources of *Escherichia coli* Contamination of *Crassostrea gigas* (Oysters) in Morro Bay." She highlighted key findings of the report as they related to quality assurance/quality control, loading of fecal coliform and source identification. The final report will be available March 15, 2002. Board members questions included:

controllable versus non-controllable sources, where "unknowns" are coming from, volume of water used for the seeps loading calculation, investigating human input that came from the seeps, higher percent contribution of bird *E. coli* into the oyster tissue, tidal flushing, and the different source contributions between wet and dry sampling times.

Staff will be following up on these questions and providing answers for the Board.

**19. Los Osos Wastewater Project, San Luis Obispo County [Sorrel Marks 805/549-3695]..... Status Report**

*(Board Member Bowker recused from this item and Board Member Young left the meeting)*

Regional Board staff Senior Engineering Geologist, Gerhardt Hubner, utilized text, graphics and photographs to summarize background and history, surface and ground water quality issues, nitrate concentrations, Regional Board actions, staff activities over the last ten years, wastewater project milestones, funding, litigation, and the supplemental sheet regarding the Los Osos wastewater project. He concluded with a summary and answered a Board member question about competing project schedules.

Rosemary Bowker, Los Osos CSD President, and Steve Hyland, Wastewater Project Manager, made a presentation summarizing the history, development, and current status of the community wastewater project.

Ed Schafer commented that he believes a sewer system is not needed in Los Osos and that there is no proof of any problems with existing septic systems. Mr. Schafer suggested as an alternative to sewerage the community; shallow groundwater could be pumped and sold to local farmers.

George Taylor requested that the Regional Board intervene and stop the CSD from completing the community sewerage project. Mr. Taylor believes alternative systems work in other areas and could work in Los Osos; all that is needed is a septic system maintenance district.

Gewynn Taylor summarized the history of Basin Plan approval/adoption. Ms. Taylor also indicated that she

believes U.S. EPA and Winneberger reports recommend maintenance districts for on-site disposal systems.

Norine Schafer stated that she does not want the sewer system and wants the CSD to consider lower cost alternatives.

Cliff Ward indicated his appreciation of the Regional Board's efforts in water quality protection, but opposes the proposed wastewater plan and believes most septic systems work adequately.

Al Barrow stated that he believes data used by Regional Board staff is from illegal wells. Mr. Barrow also stated that the Porter-Cologne Water Quality Act requires consideration of social and economic impacts of such projects (sewerage the community) and that costs are a significant issue. Mr. Barrow also believes that U.S. EPA recommends against centralized sewerage. Mr. Barrow also questioned if the Board had been forwarded his emails.

Roger Briggs clarified that the Regional Board is not opposed to septic systems and alternative (on-site) systems. However, they do require adequate siting criteria (soils, depth to groundwater, etc.) to be effective. In addition, the Regional Board did consider and approve the use of an alternative system in Los Osos. The experience with that system (zeolite) in Los Osos was not successful from a water quality or practical standpoint. In addition, Mr. Briggs stated that he did forward to Regional Board members the Kreissl report (U.S. EPA report).

**17. Supplemental Environmental Project Findings: Incidence of Several Human Pathogens in Sea Otters [Karen Worcester 805/549-3333] ..... Status Report**

Karen Worcester presented findings from research conducted by the California Department of Fish and Game Wildlife Veterinary Care and Research Center. This study was funded by Supplemental Environmental Project funds from the City of Pacific Grove. Feces from live and freshly dead sea otters were evaluated for presence of several pathogenic organisms typically found in humans and/or domestic animals. All but one

of the major groups of organisms tested for were found, some at relatively high frequencies. In several cases presence was associated with physical symptoms of gastrointestinal distress, possibly implicating the identified organisms. For a number of the organisms, this marked the first time they have been identified in sea otters. Future research will focus on identification of specific strains of organisms to determine likely

sources. This information may have implications for future decision-making related to stormwater and

agricultural management activities and sewage treatment.

**20. Military Facilities Update** [Michael LeBrun 805/542-4645] ..... Status Report

A written report was submitted for this item.

**21. Land Disposal Unit Update** [Michael LeBrun 805/542-4645] ..... Status Report

A written report was submitted for this item.

**22. Reasonable Potential Analysis** [Matt Thompson 805/549-3159] ..... Status Report

A written report was submitted for this item. Board Member Daniels asked about monitoring. Staff member, Matt Thompson clarified that ocean discharges are typically monitored for all constituents.

Inland surface water discharge permits are based on a different plan and require monitoring for all toxic constituents and as a result of the monitoring, effluent limits are added.

**23. Report by State Water Resources Control Board Liaison** [Richard Katz 916/341-5603] ..... Status Report

No report submitted.

**24. Reports by Regional Board Members** ..... Status Report

No reports submitted.

**25. Executive Officer's Report** [Roger Briggs 805/549-3140] ..... Information/Discussion

Executive Officer Briggs noted that a brief summary on Duke Energy Morro Bay modernization project is included in this report. A written statement was also provided from Andy Trump, Project Director, Duke Energy. Mr. Gary Grimm, Counsel for Duke Energy on water quality related matters, noted that he appreciates all of the work done by Regional Board staff on the project and that work is also being done with the Technical Working Group on the thermal discharge issues and the intake related issues in preparation for the draft NPDES Permit. Mr. Pat Mullen, Duke Energy, covered a few points: 1) commitment to the modernization of the plant to benefit to the community and water quality. 2) Dry cooling is not feasible at this site due to land use constraints, noise, and visual impacts. 3) Other significant stressors to the bay that

are not in dispute are sedimentation, bacteria levels, and nutrient content. We are working to help design programs to help address those issues. Mr. Briggs noted that the permit may need to be delayed beyond May 2002 due to the Board being advised that it cannot adopt the NPDES Permit until the California Energy Commission has certified the project. Mr. Briggs suggested to at least tentatively have the draft permit out and available for public review and comment for the May Board meeting and have the testimony and deliberations at the May meeting. Permit action would be scheduled for a subsequent meeting.

Mr. Briggs announced that the Former Casmalia Resources Hazardous Waste Landfill Site will be



summarized and discussed at the next Board meeting in April.

Mr. Briggs noted the Semi-Annual Progress Report for the Non-Point Source Implementation Program information provided was coordinated by Sorrel Marks. He encouraged the Board to look at the compilation to get a good perspective on the program.

Mr. Briggs noted the Morro Bay National Estuary Program booklet was provided by the NEP for information.

Mr. Briggs announced that Art Baggett, is planning to attend our next Board meeting in Salinas to do a roll-out of the Strategic Plan. Celeste Cantu, Executive Director of the State Board, is also planning to attend the meeting.

Mr. Briggs also noted a Guadalupe School Lake Project made possible through the Guadalupe oil spill settlement money, a "good use" example for supplemental environmental projects.

**11. Enforcement Report [Brad Hagemann 805/549-3697] ..... Status Report**

Executive Officer Briggs noted that the report is written and that it is not all-inclusive in terms of the indicated time span. The report is missing some of the

violation data which we will catch up on with the next report.

Chairman Shallcross adjourned the public meeting at 5:45 p.m.

The meeting was audio recorded and the minutes were reviewed by management, and approved by the Board at its March 22, 2002 meeting in San Luis Obispo, CA.

  
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Gary Shallcross, Chair